

**ORIGINAL**FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**United States District Court**  
**for the**  
**DISTRICT OF HAWAII**

JAN 30 2006

at 10 o'clock and 8 min. AM  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: JOSE ANGEL GONZALEZ Case Number: CR 00-00264HG-03

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 01/16/2001

Original Offense: Count 2: POSSESSION WITH INTENT TO DISTRIBUTE  
50 GRAMS OR MORE OF METHAMPHETAMINE, in violation of  
21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 18:2Original Sentence: Seventy (70) months imprisonment and a term of five (5) years  
supervised release with the following special conditions: 1) that the  
defendant participate in substance abuse program, which may  
include drug testing at the discretion and direction of the Probation  
Office; 2) that the defendant is prohibited from possessing any  
illegal or dangerous weapons and; 3) that the defendant shall  
provide the Probation Office access to any requested financial  
information as directed by the Probation Office.

Type of Supervision: Supervised Release Date Supervision Commenced: 7/29/2005

**PETITIONING THE COURT** To modify the conditions of supervision as follows:General Condition: Jose Angel Gonzalez, as a condition of supervision, shall  
submit to one drug test within 15 days of release from  
imprisonment and at least two periodic drug tests  
thereafter, not to exceed four tests per month, as directed  
by the probation officer, pursuant to 18 U.S.C. 3583(d).

**CAUSE**

On 7/29/2005, the offender was released from the Bureau of Prisons custody to the supervision of the U.S. Probation Office in the Central District of California (CD/CA).

On 1/9/2006, we received a request from the CD/CA to modify the conditions of supervised release based on the offender's history of substance abuse.

According to a letter received from the CD/CA, the offender is currently participating in a substance abuse program that consists of random drug testing. Following completion of treatment, the offender will enter an aftercare component where random drug testing has ceased due to *United States v. Stephens* (9<sup>th</sup> Circuit 2005). Furthermore, the Appeals Court's finding in *Stephens* limits the probation officer to three random drug tests outside of treatment.

The purpose for the modification is so that the Probation Office could continue to conduct random drug testing at the rate of up to four (4) tests per month following the completion of the drug treatment regimen. It is respectfully recommended that the Court modify the conditions of supervision as recommended.

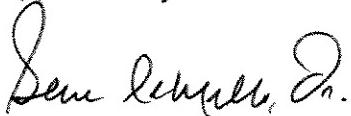
Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



JOYCE K. F. K. LUM  
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.  
Supervising U.S. Probation Officer

Date: 1/17/2006

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THE COURT ORDERS:

- The Modification of Conditions as Noted Above  
 Other



The Honorable Helen Gillmor  
Chief U.S. District Judge



1 · 24 · 06

Date

U N I T E D S T A T E S D I S T R I C T C O U R T  
District of Hawaii

**Waiver of Hearing to Modify Conditions of  
Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Jose Angel Gonzalez, as a condition of supervision, shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

Witness:

  
STEVEN FRYDMAN  
U. S. Probation Officer

Signed:

  
JOSE ANGEL GONZALEZ  
Supervised Releasee

Date: 12/01/05